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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,743	03/16/2004	Masayuki Takamura	VX042601	1177
21369	7590	02/23/2006	EXAMINER LE, DAVID D	
POSZ LAW GROUP, PLC 12040 SOUTH LAKES DR. SUITE 101 RESTON, VA 20191			ART UNIT 3681	PAPER NUMBER

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/800,743	TAKAMURA ET AL.	
	Examiner	Art Unit	
	David D. Le	3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 and 4 is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the second Office action on the merits of Application No. 10/800,743, filed on 16 March 2004. Claims 1-7 are pending.

Documents

2. The following documents have been received and filed as part of the patent application:
 - Foreign Priority Document, received on 03/16/04

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by U. S. Patent No. 6,162,146 to Hoefling.**

Claims 1-2:

Hoefling (Figs. 1-3; column 1, line 66 – column 4, line 36) discloses an electrohydraulic control device for a drive train of a machine comprising:

- An engine (i.e., Fig. 1, element 104);
- An operation amount detection sensor (i.e., column 3, lines 2-5), which detects an operation amount of accelerator means (i.e., Fig. 1, element 142) for controlling engine revolutions;

- A transmission (i.e., Fig. 1, element 108) which has a forward clutch (i.e., Fig. 1, element 112F) and reverse clutch (i.e., Fig. 1, element 112R) that respectively switch a direction of travel of the vehicle to a forward direction and reverse direction, and which transmits a driving torque of the engine to driving wheels via the forward clutch or reverse clutch;
- A brake (i.e., Fig. 1, element 122) which applies braking to the vehicle;
- A controller (i.e., Fig. 1, element 130) which controls an engaging force of the forward clutch and reverse clutch and a braking force of the brake during the running of the vehicle, and which controls the engine revolutions on the basis of the operation amount detected by the operation amount detection sensor (i.e., column 3, lines 5-36);
- Wherein the controller simultaneously controls the engine revolutions, the engaging force of the forward clutch and reverse clutch and the braking force of the brake, on the basis of the operation amount detected by the operation amount detection sensor (i.e., column 2, line 30 – column 4, line 19); and
- Wherein a vehicle speed sensor that detects a vehicle speed is inherently provided, and the controller further stops, on the basis of the operation amount, the simultaneous control of the engine revolutions, the engaging force of the forward clutch and reverse clutch and the braking force of the brake when the vehicle speed detected by the vehicle speed sensor exceeds a specified first reference speed (i.e., column 3, line 38 – column 4, line 19).

Allowable Subject Matter

5. Claims 3 and 4 are allowed.
6. Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments filed on 08 December 2005 have been fully considered but they are not persuasive.

Applicants argue that Hoefling'146 reference (i.e., Fig. 2) does not contemplate or suggest the claimed limitation, "the controller simultaneously controls the engine revolutions, the engaging force of the forward clutch and reverse clutch and the braking force of the brake, on the basis of the operation amount detected by the operation amount detection sensor", as recited in claim 1, because, according to Fig. 2 of Hoefling'146, the clutch pressure is controlled in a range less than 60% of the pedal position, and the brake pressure is controlled in a range more than 60% of the pedal position. In other words, applicants argue that Hoefling'146 teaches the clutch pressure and the brake pressure are controlled at different timings or ranges, but not controlled simultaneously, as required in the present claim 1.

Examiner respectfully disagrees with the above argument because the above argument does not accurately reflect present claimed invention, as recited in claim 1. The present claim 1

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only requires the engaging force of the clutch and the engaging force of the brake to be controlled simultaneously. Clearly, the present claim 1 does not specifically require the engaging force of the clutch and the engaging force of the brake to be applied or activated simultaneously. Simultaneously controlling the engaging forces of the clutch and the brake does not require the engaging forces of the clutch and brake to be applied or activated simultaneously. Based on the teaching Hoeftling'146, i.e., Fig. 2, Hoeftling'146 simultaneously controls the pressure of the clutch and the pressure of the brake such that the pressure of the clutch is applied/activated in a range that is less than 60% of the pedal position while the pressure of the brake is applied/activated in a range that is more than 60% of the pedal position.

Accordingly, as set forth in paragraph 4 above, Hoeftling'146 meets the claimed limitations.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Le whose telephone number is 571-272-7092. The examiner can normally be reached on Mon-Fri (0700-1530).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ddl


CHARLES A. MARMOR
SUPERVISORY PATENT EXAMINER
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